



**BRUNSWICK-GLYNN COUNTY
JOINT WATER AND SEWER COMMISSION**

**PROCEDURE FOR ABANDONMENT
OF
EXISTING WATER AND SEWER
UTILITY EASEMENTS**

I. PURPOSE

The Brunswick-Glynn County Joint Water and Sewer Commission ("JWSC"), acting by and through its Commissioners, is established as a water and wastewater utility to provide for the production and distribution of potable water and to provide for sewage collection, treatment and disposal in the community. The purpose of this document is to establish a formal procedure for the abandonment of existing water and sewer easements which are no longer used for these purposes or which are no longer required for the future extension of services or facilities.

An application for abandonment is a two (2) step process and shall be filed by the owner or owners of the property over which the easement is situated. The application for abandonment shall be made in writing to the Executive Director.

II. APPLICATION FOR ABANDONMENT - STEP ONE

To initiate a request for abandonment of any easement, the applicant or applicants shall submit an application for abandonment which shall include the following minimum information.

- A. Name, mailing addresses of applicants, including a statement that the applicant owns or is the agent of one who owns property that abuts the easement area under consideration, including contact information and the agent, if any, for the applicant(s).
- B. Sketch of the area to be abandoned, including location and dimensions. The sketch shall show the easement area divided on a pro-rata basis among the abutting property owners.
- C. Names and mailing addresses of each abutting property owner(s), property tax identification numbers, and as applicable, the subdivision name, street name, address, and lot numbers upon which the easement area is located.
- D. A statement of the present and future use of the easement area.

- E. The Applicant shall use the application form included herein and attach additional sheets as necessary.
- F. Source of title, i.e. does the JWSC own fee simple title or merely an easement for use in constructing, operating and maintaining water lines, sewer lines, and related appurtenances? The Applicant shall provide the recording information from the public deed records of the Clerk of Superior Court of Glynn County, if known; however, if the information is unknown, then so state and provide any other source of title.
- G. Any other information deemed necessary or appropriate by the Executive Director or his designee.

III. REVIEW PROCEDURE - STEP ONE

Upon a determination that the application for abandonment is complete, the Executive Director, or his designee, will process the application for abandonment. The review procedure shall be as described below.

- A. The Divisions of the JWSC including Office of the Director, Finance, Planning and Construction, Systems Pumping and Maintenance, Water Distribution, and Wastewater Treatment shall review the application for abandonment and return all comments and recommendations to the Executive Director, or his designee, within thirty (30) calendar days of receipt of a completed application.
- B. Provide notice of the application for abandonment to the local government in which the easement area is physically located and receive responses from its departments or agencies pertaining to access, traffic, drainage, planning and zoning, building inspections, parks and recreation, police and fire protection. The notice shall request all review comments to be returned to the Executive Director, or his designee, within thirty (30) calendar days of the date of such notice.

- C. Provide notice of the application for abandonment to Utility Providers including power, telephone, cable, and gas. The notice shall request all review comments to be returned to the Executive Director, or his designee, within thirty (30) calendar days of receipt of a completed application.
- D. The Executive Director, or his designee, shall provide notice to any other persons he deems, in his discretion, should receive notice of the proposed abandonment.
- E. The Executive Director, or his designee, shall prepare a written report of the findings of the review process and a recommendation for approval or denial of the abandonment request. If the application does not meet the criteria for abandonment because the easement has a present or future substantial useful public purpose, then the abandonment process will stop and the Executive Director, or his designee, will notify the Applicant of such decision within 10 business days after receipt of all review comments and recommendations.
- F. The approval of an application for abandonment requires that all of the following conditions be met:
 - 1. The easement does not contain active facilities and appurtenances used for either the production and distribution of potable water, or the collection, transportation, treatment and disposal of wastewater.
 - 2. The easement is not used for access by JWSC personnel or its agents to any active facility or appurtenances used for either the production and distribution of potable water, or the collection, transportation, treatment and disposal of wastewater.
 - 3. The easement is not needed for the implementation of any recommended rehabilitation or expansion project identified in the JWSC Master Plan or other necessary or planned improvement

- G. If denied, the Applicant may appeal the Executive Director's decision to the JWSC Board of Commissioners by filing a written notice of such appeal with the Executive Director within ten (10) business days of the date of his decision. The JWSC Board of Commissioners may either uphold the Executive Director's decision or direct him to proceed with step two of the abandonment process in accordance with Section IV below.

IV. APPLICATION FOR ABANDONMENT - STEP TWO

If the Executive Director finds that the application for abandonment of an easement meets the criteria stipulated herein, the Applicant may proceed with step two of the abandonment process by submitting the following additional information:

- A. A metes and bounds survey or plat showing easement area to be abandoned divided on a pro-rata basis among the abutting, named property owners. The plat shall be prepared by a land surveyor registered in the State of Georgia and shall comply with the Georgia Plat Act.
- B. A legal description of the easement area to be abandoned.
- C. A non-refundable application fee in the amount of \$1,150.00 made payable to the Brunswick-Glynn County Joint Water and Sewer Commission, which fee shall be applied to the cost of advertising the proposed abandonment and administrative costs to process the application. The fee shall be paid at the time the survey or plat is submitted. Failure to pay the fee will halt further review and processing of the application for abandonment of the easement.

V. APPROVAL

- A. Upon a determination by the Executive Director, or his designee, that the application for abandonment of the requested easement is complete, that it is appropriate to continue with the abandonment process, and that the application fee has been paid in full, the Executive Director, or his designee shall publish an advertisement in the local newspaper once a week for two weeks advising that a public meeting will be held to

determine whether the easement to be abandoned has "ceased to be used by the JWSC or that it no longer has any substantial useful public purpose". The JWSC will notify by return receipt requested mail all affected property owners (as indicated in the County tax records) within five hundred (500) feet of the property as to the purpose, time and date of the public meeting.

- B. If the JWSC Board of Commissioners approves the abandonment, the JWSC legal counsel will prepare a deed suitable for filing in the public deed records of the Clerk of Superior Court if the identity of the grantee(s) for such a deed is clear. The submitted survey or plat may require a revision if the JWSC Board of Commissioners places any conditions on the approved abandonment. The Applicant shall bear the cost of any such modifications. Only after the deed recording is the action final.
- C. All JWSC deeds conveying a water and/or sewer easement in accordance with the procedures herein shall be subject to the rights of other Utility Provides, such as power, telephone, cable, gas, and telecommunications providers and other persons that have facilities located in the easement and shall continue as governed by State law.
- D. No application for abandonment may be made or considered if any portion of the property sought to be abandoned has been the subject of an abandonment application filed or considered by the JWSC within the immediate preceding two (2) years.
- E. No application for abandonment may be made or considered where the abandonment would result in any parcel of land being left landlocked.

ATTACHMENTS

- A. JWSC Application for Abandonment Checklist**
- B. JWSC Application for Abandonment**

**ATTACHMENT A
BRUNSWICK - GLYNN COUNTY
JOINT WATER AND SEWER COMMISSION
APPLICATION FOR ABANDONMENT
CHECKLIST**

Items to be Furnished by Applicant

Step One:

Completed Application Form & Supporting Documentation _____

Sketch of Easement & Parcel Id. No. _____

List of Property Owners Abutting Easement Area _____

Step Two:

Survey or Plat _____

Legal Description _____

Application Fee (\$ _____, Non-Refundable) _____

Items to be Provided by JWSC

Review Comments _____

Executive Director's Recommendation _____

Advertisement _____

Public Meeting _____

JWSC Board of Commissioners Approval _____

**ATTACHMENT B
BRUNSWICK - GLYNN COUNTY
JOINT WATER AND SEWER COMMISSION
APPLICATION FOR ABANDONMENT**

I hereby make application to the Brunswick - Glynn County Joint Water and Sewer Commission for the abandonment of the water and/or sewer utility easement(s) described below under the provisions of the JWSC's *"Procedure for the Abandonment of Existing Water and Sewer Utility Easements"*.

LOCATION OF PROPERTY

Address: _____

Subdivision Name & Lot No.: _____
Area to be Abandoned (SF): _____

**DESCRIBE IN DETAIL THE PRESENT AND FUTURE USE OF THE PARCEL AND
AREA OF ABANDONMENT**

APPLICANT INFORMATION

Name: _____
Address: _____

Telephone: _____
E-mail: _____

Signature: _____ **Date:** _____

AGENT OR ATTORNEY FOR APPLICANT

Name: _____

Address: _____

Telephone: _____

E-mail: _____